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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,426	09/22/2003	William White	0117/001	8613
7590	09/22/2004		EXAMINER	
Steven W. Webb Law Offices of Steven W. Webb 655 2nd Street Encinitas, CA 92024			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KM

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,426	WHITE, WILLIAM
	Examiner Sherman D. Basinger	Art Unit 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

1. The abstract of the disclosure is objected to because legal phraseology (means) has been used in lines 2, 4 and 6. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 30 43 496 in view of Chang.

In DE 496 the box is 2, the fin attachment means are 6, the box attachment point is 13, the inserted end is 5, the fin leash attachment point is 11, the fin leash is 12, the fin leash cut out is formed by bevel 10 and is pointed out by reference numeral 9 in figure 3 and the smoothly rounded curve is at the forward end of inserted end 5.

The attachment means 6 of DE 496 are not disposed along the open top of the box such that the fin attachment means exert pressure on the side of a fin inserted into the open top of the box and resting in the box. Note the set screws 41 of Chang. These set screws are disposed along the open top of the box of Chang such that these fin attachment means 41 exert pressure on the side of the fin of Chang inserted into the open top of the box and resting in the box. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains to replace the fin attachment means 6 of DE 496 with set screws similar to 41 of Chang. Motivation to do so is to have a fin attachment means which can be adjusted to put a desired amount of pressure on the side of the fin.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 496 and Chang as applied to claim 1 above, and further in view of DE 29 28 009. DE 496 shows only a bevel cut on one side of the inserted end of his fin, the bevel cut being 10. DE 009 shows a bevel cut on opposite ends of his insert in figure 3. it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace the rounded end on the forward end of the insert of DE 496 with a bevel cut similar to that of DE 009. Thus there would be a bevel cut on opposite ends of the insert of DE 496. Motivation to do so is to reduce the amount of material used to make the forward end of the insert of DE 496. A cost savings will result. Another reason would be that the fin would be made lighter. The rounded forward end of the insert of DE 496 takes more material to make. Thus with the use of more material the cost is increased and the fin weighs more.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lobe is cited to show tether 23. Molnar et al is cited to show drag line 40. WO 90/13472 is cited to show cable 21. DE 33 07 412 is cited to show leash 36.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  


sdb  
9/17/04